

**LOCAL RULES OF THE
PRACTICE AND PROCEDURE
IN THE CIRCUIT AND SUPERIOR
COURTS OF THE 48TH JUDICIAL CIRCUIT**

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LR-27-TR3-1

RULE 1

FILING FEES

A. A party commencing an action shall pay to the Clerk of the Court the amount prescribed by law as a filing fee.

B. Persons desiring to commence an action without pre-payment of court costs shall file with the Court their verified petition as prescribed by Indiana Code Section 33-19-3-2. Authorization to commence an action without advance payment of court costs shall be only by order of court.

RULE 2

ASSIGNMENT OF CRIMINAL CASES

- A. All felony and misdemeanor cases filed in the Grant Circuit and Superior Courts will be assigned pursuant to this Rule:
- B. These cases shall be filed in Grant Superior Court 3:
 - (1) All misdemeanors, except for trials de novo and jury trial requests from Marion and Gas City Courts.
 - (2) Class D Felony traffic offenses.
 - (3) Class D Felony domestic violence offenses.
 - (4) Other Class D Felony offenses for persons who do not have prior felony convictions.
 - (5) Any case designated as a Drug Court case.
- C. All waivers of juveniles to adult jurisdiction of all crimes from the Grant County Juvenile Court shall be filed in Grant Circuit Court.
- D. All juvenile cases shall be filed in Grant Superior Court 2.
- E. All trials de novo and jury trial requests from Marion and Gas City Courts shall be assigned to Grant Superior Court No. 1.
- F. Other felony cases, including grand jury indictments, shall be filed by random selection in the Grant Circuit Court, Grant Superior Court No. 1 and Grant Superior Court No. 2. However, if charges are pending against an individual in either the Grant Circuit or any of the Superior Courts and a new charge is brought against that individual, the new charge shall be filed in the Court where the original charge is pending. However, if the new charge is one which would be filed randomly under Rule 2(F) and an earlier charge is pending in Grant Superior Court No. 3 then that new charge shall be filed randomly in accord with Rule 2(F) and not in Grant Superior Court No. 3 and the earlier charge pending in Grant Superior Court No. 3 shall be transferred to

the court in which the new charge is filed. If an individual is on probation and new charge is filed against that individual, that new charge shall be filed in the court where the probation is pending. However, if an individual is on probation in Grant Superior Court No. 3 and the new charge is one which should be filed randomly under this subsection and subsection (F) of this Rule, then the new charge shall be filed randomly in accordance with those subsections. Grant Circuit Court shall impanel the Grand Jury.

- G. Random selection for Circuit Court, Superior Court 1 and Superior Court 2 shall be done by the Clerk of the Courts. The Clerk shall maintain a closed container with three (3) identical balls. Each of the three (3) balls will be designated for one of these three (3) Courts. When a new felony case is filed for these Courts the Clerk shall randomly select a ball from the closed container and the case shall then be assigned to the Court which has been designated for that particular ball. The Clerk shall enter the Court so designated on the criminal information and record the date and time of the Court selected.
- H. Multiple offenses against the same defendant shall be filed contemporaneously with the other charges using the highest class of charge in determining in which Court the case shall be filed.
- I. Where there are multiple defendants charged in the same case numbers or in different case numbers with felonies and misdemeanors arising out of the same facts and circumstances, all charges shall be filed in the same Court as indicated by this Rule.
- J. When a change of Judge has been granted by a regular Judge of the Grant Circuit and Superior Courts, the remaining three (3) Courts shall constitute the successor courts from which the State and the defendant shall select a Court for transfer. The party who has requested the change of Judge shall strike one of the successor courts within five (5) days after the order granting the change of venue from the Judge has been entered. The other party shall strike another of the successor courts from the panel within five (5) days. If either party fails to strike within the time allotted, the Clerk shall strike one of the Courts. The remaining Court shall be the successor Court and the case shall then be transferred to that Court.

- K. If one of the Judges recuses from a particular case then the case will be assigned to one of the other three (3) Courts of record by a blind draw system such as the one described in paragraph G above.
- L. If one of the three (3) Courts (Circuit, Superior I and Superior II) becomes over-burdened with cases from the blind draw system that Court's ball may be removed from further draws upon majority vote of the three (3) Judges of those Courts, for whatever length of time and upon such terms and conditions that those Judges agree.

ASSIGNMENT OF CIVIL CASES

A. Civil cases may be filed in the Circuit Court or any of the Superior Courts. Except that all Mental Health cases shall be filed in Circuit Court; all Small Claims matters shall be filed in Grant superior Court No. 3, and all CHINS proceedings shall be filed in Grant Superior Court No. 2. (I.C. 33-33-27.3-10)

LR-27-TR79-3

RULE 3

SELECTION OF SPECIAL JUDGES IN CIVIL CASES

When a change of judge has been granted by a Judge of the Grant Circuit Court, Superior Court 1, Superior Court 2, or Superior Court 3 and a Special Judge is not selected under Trial Rule 79(D), (E) or (F) of the Indiana Rules of Trial Procedure, or if a regular Judge of the Grant Circuit or Superior Courts disqualifies under Trial Rule 79(C), then the remaining three (3) courts shall constitute the successor courts from which the parties shall select a court for transfer. This shall be done in the following manner:

A. Random selection of the successor courts shall be done by the Clerk of the Courts. The Clerk shall maintain a closed container with four (4) identical balls. Each of the four (4) balls will be designated for one of the four (4) courts of record in Grant County. The Clerk shall remove the ball representing the Court from which there has been a change of judge granted, leaving the other three balls in the box and the Clerk shall then randomly select one of the three balls from the box. The Clerk shall enter the name of the Court that has been drawn on the Chronological Case Summary (CCS) of the case and notify the Judge of the selected Court of the selection of that Court as a successor Court.

B. If the Judge of the first successor Court is not eligible to serve by disqualification or recusal then the balls representing the remaining two Courts shall be placed in the box and the Clerk shall remove one of those two balls and again enter the name of the Court on the CCS indicating that the third Court shall be named as the second successor Court.

C. If the Judge of the second successor Court is not eligible to serve by

disqualification or recusal then the last remaining Court shall be named as the third successor Court.

D. The successor Judge selected by this random selection method must accept jurisdiction of the case unless the Judge is disqualified, ineligible or excused pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure.

E. If no Judge is selected by the above-described method then the Clerk shall select the name of a Special Judge from the list of Courts in the administrative district established by Administrative Rule 3(A), of those counties that are contiguous to Grant County. Those counties are Blackford, Delaware and Madison. The named Special Judge shall be selected from these counties and then by numerical sequences by court identifier. For example, the first Judge selected by this method would be from Blackford County. The Judge would be from Blackford Circuit Court. The next Judge would be selected from Blackford County Court, then from Delaware Circuit Court and so on. The Clerk of Grant County shall keep a list of Judges selected by the method described here and refer to that list should it be necessary to select a Special Judge using this method.

LR-27-AD3-4

RULE 4

ATTORNEYS

(A) The Bars of the Circuit and Superior Courts of the Forty-Eighth (48th) Judicial Circuit, Grant County, Indiana shall consist of those persons who have complied with the Indiana Supreme Court Rules for admission to the Bar of Indiana and are duly admitted to practice law in the State of Indiana.

(B) All attorneys so admitted shall be entitled to practice before any Court of the Forty-Eighth (48th) Judicial Circuit, Grant County, Indiana.

(C) No person shall be permitted to practice before any Court of the Forty-Eighth (48th) Judicial Circuit, or any officer thereof, as an attorney, except in his own behalf when a party, unless he has been duly admitted to practice law in the State of Indiana.

(D) A member of the Bar of another State or territory of the United States, or the District of Columbia, may be allowed to appear in a proceeding for a temporary period as provided by Rule A.D. 3 of the Indiana Rules of Procedure.

LR-27-TR3.1-5

RULE 5

APPEARANCES

A. Every party shall file a written appearance in the manner and form set forth in Rule Tr 3.1 and Rule Cr. 2.1. The written appearance form shall be served upon all parties of record before or immediately upon filing.

B. When a party to an action appears without an attorney, the party shall give, and the Clerk shall note on the docket of the cause, a name, mailing address and phone number of the party where notices and communications concerning the cause may be forwarded.

C. It shall be the duty of attorneys who have entered their written appearance and of all parties who are not represented by an attorney, to notify the Court of any change of their mailing addresses and phone numbers. Such notification shall be in writing filed separately for each cause to which the change applies and served upon other parties to each cause or their attorneys of record.

D. Proof of Mailing. Certificates of service or proof of mailing of pleadings concerning any cause shall be deemed sufficient proof of service if such pleadings were mailed to the last address of a party or attorney noted upon the docket of a cause.

LR-27-TR4.11-6

RULE 6

SERVICE OF PROCESS

Any party requesting the Clerk to mail the summons and a copy of the complaint by registered or certified mail shall provide an addressed envelope and shall prepare the return receipt and include the number of the cause of action and mark the "RETURN TO" to the Clerk of Grant County, Courthouse, 101 East Fourth Street, Marion, Indiana, 46952 (Amended May 12, 1997).

LR-27-AR12-7

RULE 7

FAX FILING

A. Facsimile filing is strongly discouraged and should be used only in cases of genuine emergency.

B. Any facsimile filing must comply with Rule Admin. R. 12. A facsimile filing may not exceed ten (10) pages.

C. The sending party must contact all counsel of record before filing by facsimile and advise them of the filing and make arrangements for immediate delivery of the document filed by facsimile.

D. The sending party shall immediately mail to the Court the original of any document filed by facsimile.

LR-27-TR11-8

RULE 8

**FORM AND STYLE OF PAPERS, NUMBER OF COPIES,
FILING AND SERVICE**

A. All papers, pleadings and motions presented for filing shall comply with Rule Admin. R. 11.

B. Every pleading filed, including estates and guardianships, shall clearly identify the name, address and telephone number of the attorney filing the pleading.

C. Any pleading not signed by at least one attorney appearing of record as required by Rule T.R. 11 of the Indiana Rules of Procedure shall not be accepted for filing by the Clerk or if inadvertently accepted for filing, shall, upon discovery of the omission, be promptly corrected.

D. A rubber stamp or facsimile signature on the original copy of any pleading shall not be acceptable.

E. All motions seeking an order of the Court shall be accompanied by a sufficient number of orders for the Court to retain two (2) copies and send one (1) copy to each party of record. The Clerk shall place a copy of any order signed by the Court in the box in the Clerk's Office for any Grant County attorney of record. The party seeking the order shall tender to the Court, with the petition and copies of orders, a sufficient number of envelopes addressed to any party not represented by counsel and to any attorney of record who does not maintain a service box in the Grant County Clerk's Office.

F. All papers required by Rule Tr 5 of the Indiana Rules of Procedure to be served upon the parties affected thereby, if served before filing, shall be filed with the Clerk of the Court no later than three (3) days after service. If the papers are filed before service, proof of service shall be filed with the Clerk of the Court no later than three (3) days after the filing of the papers. Upon failure to comply with this Rule, the Court may, on motion of any party to the action or on its own motion, order the papers

to be filed or served forthwith or, if deemed proper, order the papers to be stricken from the files or the service thereof to be of no effect.

G. Proof of service shall be made by (1) acknowledgement of service signed by the party served or his attorney of record if such party is represented by an attorney (2) a certificate of service signed by an attorney of record for the serving party, or (3) an affidavit of service by any other person.

RULE 9

MOTIONS

A. The filing of any motion with the Clerk of the Court or with the Court shall be brought to the attention of the Judge by the moving party within five (5) days following the filing of the motion.

B. The time of hearing motions shall be fixed by the Court. Dates of hearings shall not be specified in the notice of hearing of the motion unless prior authorization shall be obtained from the Judge or Court Reporter. Any party may request oral argument upon a motion, but the granting of oral argument is wholly discretionary with the Court. Any party requesting oral argument shall advise the Court Reporter of the estimated time necessary for hearing.

C. Counsel desiring to file a brief in support of or in opposition to any motion must file the brief prior to or at the time of hearing on the motion, unless otherwise ordered.

LR-27-TR53.5-10

RULE 10

CONTINUANCES

Motions for Continuance are discouraged. Neither side is entitled to an automatic continuance as a matter of right.

A. A Motion for Continuance, unless made during the hearing of the cause, shall be in writing, state whether opposing counsel objects to the motion and whether prior continuances have been requested by the moving party. The Court may require any written Motion for Continuance to be signed by the party requesting the continuance.

B. A Motion for Continuance, whether it is plaintiff's or defendant's motion, shall denominate whether it is the first (1st), second (2nd), third (3rd), etc. Motion for Continuance filed by plaintiff or defendant.

C. The filing of a dispositive motion shall not constitute good cause for a Motion for Continuance of a trial if the time requirements governing such motion will not allow for the resolution of the motion prior to the date of trial.

LR-27-TR26-11

RULE 11

DISCOVERY

A. Filing of depositions, requests for discovery or responses thereto under Rules Tr. 27 through 36 shall be permitted only as allowed by Rule Tr. 5(D)(2), (3) and (4).

B. Strict compliance with Trial Rules 26 through 37 is required. The discovery process is intended to be largely self-actuating, with minimal court supervision. Therefore, the Court will not rule on requests to extend time to respond to discovery or motions related to discovery disputes unless moving counsel represents that, after personal or telephonic conference in good faith effort to resolve differences, counsel are unable to reach accord. If counsel advises the Court, by way of motion, or response thereto, that opposing counsel has refused or delayed resolution of the discovery dispute, the Court may, after hearing, impose appropriate sanctions.

C. Answers or objections to interrogatories under T.R. 31 or T.R. 33 of the Indiana Rules of Procedure shall set forth in full the interrogatories being answered or objected to immediately preceding the answer or objection.

D. Interrogatories shall be limited in number wherever possible and shall be used solely for the purpose of discovery.

E. Any party to an action or counsel to a party to an action may obtain a photocopy of a deposition on file with the Clerk of the Court upon tender of a receipt of the deposing party showing payment to said deposing party of 50% of the cost of said deposition. In addition, the requesting party or counsel shall tender to the Clerk the Clerk's standard per page copying fee.

LR-27-TR16-12

RULE 12

PRE-TRIAL CONFERENCE

Conferences of attorneys and pre-trial conferences shall be conducted generally in accordance with Rule Tr. 16. However, counsel should contact the Court in which a case is pending for advice on specific procedure required by that Court relative to these conferences.

LR-27-TR51-13

RULE 13

JURY INSTRUCTIONS

All requests for specific instructions submitted in accordance with Rule Tr. 51 of the Indiana Rules of Procedure shall be submitted to the Court in duplicate not later than the beginning of trial, one set of which shall be a "clean copy" without reference to citations and party tendering. Counsel shall have the right to submit additional instructions during trial on matters which could not reasonably have been anticipated in advance of trial. Instructions shall be exchanged by counsel. Requests for special instructions shall contain citations to supporting authorities.

LR-27-AP9H-14

RULE 14

TRANSCRIPT FEES

The attorney requesting a transcript of Court proceedings, for use on appeal or otherwise, shall be personally responsible for payment of the Court Reporter's charges.

LR-27-TR77-15

RULE 15

WITHDRAWAL OF ORIGINAL RECORDS AND PAPERS

No person shall withdraw any original pleading, paper, record, model or exhibit from the custody of the Clerk or other officer of the Court having custody thereof except (1) upon order of a Judge of the Court and (2) upon leaving a proper receipt with the Clerk or officer.

LR-27-AR10-16

RULE 16

CUSTODY AND DISPOSITION OF MODELS AND EXHIBITS IN CIVIL CASES

A. Custody. After being marked for identification, models, diagrams, exhibits, and material offered or admitted in evidence in any cause pending or tried before the Court shall be placed in custody of the Clerk or Court Reporter unless otherwise ordered by the Court.

B. Removal. All models, diagrams, exhibits, or material placed in the custody of the Clerk or Court Reporter shall be removed by the parties offering them in evidence within four (4) months after the case is decided, unless an appeal is taken. In all cases in which an appeal is taken, the exhibits shall be removed within ninety (90) days after the filing of the appeal. At the time of removal, a detailed receipt shall be given to the Clerk or the Court Reporter and filed in the cause.

LR-27-FL00-17

RULE 17

DOMESTIC RELATIONS

The Courts of Grant County desire to promote peaceful settlement of domestic relations disputes and provide for uniformity and consistency in the decision making process. Therefore, whenever practicable, general orders will be entered, similar to those outlined in Exhibit "A" to these Rules, in all domestic relations, dissolution of marriage, separation, paternity, IV-D and family law cases.

(Superseded by TR81A and Parenting Time Guidelines)

Exhibit “A”

General Orders

The following are General Orders of the above Courts to be applicable in all domestic relations, dissolution of marriage, separation, paternity, IV-D and family law matters, orders, hearings and other matters as set forth, filed, entered or held on and after May 1, 1995.

1. The standard attorney fee order in all dissolutions of marriage shall be \$850, payable as follows: \$300 within 30 days, \$300 within 60 days, and \$250 on or before the final hearing.

2. Except for good cause shown, or pursuant to IC 31-2-10-7, income withholding orders shall be issued in all cases requiring the payment of child support, including provisional orders.

3. In all cases involving the custody of children, including but not limited to original petitions for dissolution of marriage or to establish paternity, petitions for custody and modifications thereof, all parties and any children between the ages of 4 and 18 years of age shall attend and complete Project Growth or similar educational program or counseling prior to any final hearing. If parents agree and can show appropriate maturity, education and insight with regard to parenting issues, the Court may waive this requirement. Each party shall be responsible for their own fees, unless otherwise ordered by the Court. Attendance at Project Growth or other program or counseling and payment of fees shall be enforceable by contempt. At provisional hearings, the Courts shall distribute and encourage the parties to read the Project Growth materials prior to attending the meetings.

4. Some believe that the custody of children is an award given by a court to the best parent and, therefore, the non-custodial parent is in some way inferior and should only have limited contact with the children by way of visitation. This is not true. Most parents love their children, are truly concerned for their well-being, and are fully fit and proper parents to have custody. A court is required by law to base its difficult decision regarding custody on what it finds to be in the best interests of the children, not what is in the best interests of either parent. Parents are often unaware of the detrimental effects legal proceedings and separation from the non-custodial parent can have on the physical, emotional and psychological well-being of their children and of the need and desire children have to maintain a relationship with both parents. Therefore, both parents in this case shall:

A. Encourage the children to have an attitude of trust and respect toward the other parent;

B. Encourage the children to have communication and a relationship with the other parent;

C. Avoid any displays of animosity toward the other parent in the presence or hearing of the children; and,

D. Avoid any questioning of the children intended to induce a child to report on the personal affairs of the other parent.

[This clause does not apply if the court has determined that a parent is clearly unfit to have visitation.]

5. If presently effective, or if available through their place of employment, both parents are ordered to pay the premiums and maintain the children on a health insurance policy, exchange insurance cards, and cooperate with the filing of health care claims for the children. The custodial parent shall be responsible for, pay and document all uninsured health care expenses, including but not limited to medical, dental, orthodontic, hospital, optical, psychological, addiction counseling and services, prescription and nonprescription health care items, and other physical, mental or emotional health-related expenses for the minor children up to 6% of the basic child support obligation set forth on line 4 of the Child Support Obligation Worksheet. The parents shall then be responsible for and pay any such uninsured medical expenses in excess of said amount at the rate of: father ____, mother ____%. Example: If the basic child support obligation on line 4 is \$200, the custodial parent would be responsible to pay \$624 per year in uninsured health care expenses before such expenses would be shared by the parents by the above percentages. [$\$200 \times 52 = \$10,400 \times 6\% = \$624$.] For the purposes of the payment of uninsured expenses after the 6% amount has been paid, the custodial parent shall, within a reasonable time of the receipt of a statement for health care, send a copy of such statement to the non-custodial parent for the payment of the non-custodial parent's share within 30 days. The non-custodial parent shall then be responsible to pay and hold the custodial parent harmless for the non-custodial parent's share of that statement; or, if the amount of the statement was paid in full by the custodial parent, reimburse the custodial parent the non-custodial parent's share of that statement within 30 days. The custodial parent may bring a contempt action if not timely reimbursed. It frequently is difficult to fairly determine the issue of unpaid health care expenses when a substantial period of time has passed before the issue is brought to the attention of the Court. Therefore, if contempt proceedings have not resolved the payment of health care expenses, the following procedure applies:

A. No later than April 15th of a year they shall determine the proper allocation of payments.

B. In the event that the parties are unable to agree, the aggrieved party shall file with the court a petition for the payment of medical expenses on or before July 1st of that year.

C. Unless good cause is shown, failure to file to enforce the court's order by July 1st shall be deemed a waiver for the payment or reimbursement of medical expenses for the preceding year.

D. Any person who unreasonably fails to settle the allocation for health care costs and who thereby causes the other party to incur attorney fees to resolve the issue shall be sanctioned by the imposition of those fees as a part of any court proceedings.

6. The non-custodial parent shall have regular visitation with the children at all reasonable and proper times as follows:

A. The parents shall agree as to the days and hours of visitation. No specific visitation schedule is established. However, it is in the best interest of the children to have an ongoing and meaningful relationship with both parents. Therefore, if the parents cannot agree, the court may impose specific visitation rights for the non-custodial parent.

B. Support shall abate to 50% of the regular order during any period of visitation of 7 days or more with all of the minor children. If all the children do not visit for the same 7-day period, the amount of abatement of support shall be equal to the percentage of children who visit times 50%. Examples: if 1 of 2 children visit, the amount of abatement would be only 25% (50% times 50% = 25%), if 1 of 3 visit, the amount of abatement would be only 17% (33% times 50% = 17%) or if 2 of 3 visit, the amount of abatement would be only 33% (66% times 50% = 33%).

C. Communication is encouraged between the children and the non-custodial parents. The custodial parent shall allow the child and the non-custodial parent to communicate by telephone at all reasonable and proper times. Parents shall exchange addresses and telephone numbers.

D. The non-custodial parent shall notify the custodial parent at least 24 hours in advance of their intent not to exercise any agreed visitation. Children may be very disappointed and hurt if a parent fails to show up when expected.

7. The non-custodial parent shall have specific visitation with the children as follows:

A. Every other weekend, from 6:00 p.m. on Friday until 6:00 p.m. on Sunday; and, during weeks when the non-custodial parent does not have weekend visitation, on Thursday from 5:00 p.m. until 7:00 p.m.

B. On alternating holidays during odd (O) and even (E) numbered years as follows:

O From 6:00 p.m. New Year's Eve until 6:00 p.m. New Year's Day.
O Memorial Day weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m.
O Labor Day weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m.
O From 6:00 p.m. Christmas Eve until Noon on Christmas Day.
O Evening before child's birthday from 6:00 p.m. until 8:00 p.m.
E Easter weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday.
E From 6:00 p.m. July 3rd until 10:30 p.m. July 4th.
E From 6:00 p.m. Thanksgiving Eve until 8:00 p.m. Thanksgiving Day.
E Christmas Day from noon until 8:00 p.m.
E Day of child's birthday from 6:00 p.m. until 8:00 p.m.
Father's Day - always with father from 12:00 noon until 6:00 p.m.
Mother's Day - always with mother from 12:00 noon until 6:00 p.m.

C. All other visitation as agreed by the parents.

D. The non-custodial parent shall also have visitation for four (4) nonconsecutive weeks during the summer as follows: the second full week of June, commencing at Noon the Sunday thereof; the last full week of June, commencing at Noon the Sunday thereof; the last week of July, commencing at Noon on the Sunday thereof; and, the second week of August, commencing at Noon the Sunday thereof.

E. Support shall abate to 50% of the regular order during any period of visitation of 7 days or more with all of the minor children. If all the children do not visit for the same 7-day period, the amount of abatement of support shall be equal to the percentage of children who visit times 50%. Examples: if 1 of 2 children visit, the amount of abatement would be only 25% (50% times 50% = 25%), if 1 of 3 visit, the amount of abatement would be only 17% (33% times 50% = 17%) or if 2 of 3 visit, the amount of abatement would be only 33% (66% times 50% = 33%).

F. The days and times of specific visitation are set forth as rights of the non-custodial parent if the parents cannot otherwise agree. Parents are encouraged to agree to any other visitation and to adjust the times or dates of specific visitation if necessary to reasonably accommodate the other parent.

G. Communication is encouraged between the children and the non-custodial parent. The custodial parent shall allow the child and the non-custodial parent to communicate by telephone at all reasonable and proper times. Parents shall exchange addresses and telephone numbers.

H. The non-custodial parent shall notify the custodial parent at least 48 hours in advance of their intent not to exercise the specific visitation. Children may be very disappointed and hurt if a parent fails to show up when expected.

LR-27-PR00-18

RULE 18

GUARDIANSHIPS

A. In all guardianship or protective proceedings seeking to declare an adult incapacitated, either the person alleged to be incapacitated shall be present at the hearing or the petitioner shall present sufficient medical evidence to establish that a Court appearance would result in injury to the person's health or safety.

B. In all guardianship or protective proceedings seeking to declare an adult incapacitated, a physician's report must be completed and presented to the Court at or before the hearing.

C. No guardian of an adult shall be appointed or protective order entered without notice, except upon verified allegations that delay may result in immediate and irreparable injury to the person or loss or damage to property.

D. No guardian of a minor shall be appointed or protective order entered without notice to, or consents from, both natural parents.

E. No surety bond is required where a corporate fiduciary serves as guardian or co-guardian. In all other cases, a bond will be required in an amount equal to the value of the protected persons's assets.

F. Biennial accountings will be required in all permanent guardianship of the estate cases, unless otherwise ordered by the Court. Biennial reports will be required in all permanent guardianship of the person cases. Biennial reports filed by guardians of the person shall state the present residence and general welfare of the incapacitated person.

G. In every petition for the appointment of a guardian of the person of a minor child, the following information shall be given:

- (1) The child's birthdate and present address;

(2) The places where the child has lived within the past two (2) years and the names and present addresses of persons with whom the child has lived during that period;

(3) Whether, to Petitioner's knowledge, any other litigation is pending concerning the custody of the child in this or any other state.

(4) Whether, to Petitioner's knowledge, any person not a party to the guardianship proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child.

H. In all cases where the guardian of the estate is not a corporate fiduciary, the guardian shall sign and file with the Court, within five (5) days of the order appointing guardian, the "Written Instructions to Guardians" form attached to these Rules as Exhibit "B".

Exhibit “B”

INSTRUCTIONS TO GUARDIANS

Today you were appointed the guardian of an individual who, because of some infirmity, is unable to care for his or her own financial affairs. It is important that you understand the significance of this appointment and your responsibility as guardian.

Upon being appointed guardian, you are required to post a bond in the amount set by the Court and to take an oath to faithfully discharge your duties as guardian.

Along with your other duties as guardian, you should be aware of the following requirements:

- 1) You are required to file in the Clerk’s Office, within ninety (90) days after your appointment a verified inventory and appraisal of all the property belonging to the ward;
- 2) To file with the Court a verified account, detailing all property and income received and all expenses paid with receipts to verify each expenditure of the guardianship every two (2) years;
- 3) To pay bond premiums and Court costs as they become due;
- 4) File Federal and State Tax Returns for Ward and pay taxes;
- 5) To file a final accounting, detailing all property and income received and all expenses paid with receipts to verify each expenditure with the Court upon the termination of the guardianship or upon the death of the ward;
- 6) Deposit all moneys directly into the Guardianship Account and obtain and keep receipts (preferably cancelled checks) for all expenditures.

It is the duty of the guardian to protect and preserve the ward’s property, to account for such assets faithfully and to perform all the duties required by law of a guardian. You may NOT make expenditures or investments from guardianship funds without Court authorization.

Guardianship funds should never be co-mingled with personal funds. Accurate accounts must be kept and accurate reports made. Unauthorized use of guardianship funds may result in personal liability, and/or criminal prosecution.

It is important to understand that the guardian has the same duties and responsibilities concerning the ward whether or not the ward is a relative of the guardian.

If any questions arise during the guardianship, you should consult with your attorney.

Judge

I acknowledge receipt of a copy of the above instructions and will read and follow said instructions carefully.

Dated this _____ day of _____, 2____.

Guardian

LR-27-PR00-19

RULE 19

ESTATES

A. All petitions to open an estate shall set forth the probable value of the personal property plus the estimated annual rents and profits to be derived from the property in the estate.

B. In every unsupervised and supervised estate the Personal Representative shall file a corporate surety bond in an amount determined by the Court to be adequate to protect distributees, creditors and taxing authorities, except:

(1) No surety bond is required where a corporate fiduciary serves as Personal Representative or Co-Personal Representative.

(2) No surety bond is required in a solvent estate where the decedent's spouse serves as Personal Representative and is the sole distributee.

(3) Where a Will provides that bond be dispensed with, the Court may fix a bond in an amount adequate to protect creditors and taxing authorities.

(4) Where the Personal Representative is a distributee, the bond may be reduced by the Personal Representative's estimated net distributive share, but the Court will fix a bond adequate to protect other distributees (if any), creditors and taxing authorities.

(5) Where all distributees consent in writing that the Personal Representative serve without bond, the Court may fix a bond in an amount adequate to protect creditors and taxing authorities.

C. In all supervised estates, the Personal Representative shall file an inventory conforming with the requirements of I.C. 29-1-12-1 within two (2) months of appointment.

D. In all unsupervised estates, the Personal Representative shall, within two (2) months of appointment either:

(1) file an inventory conforming with the requirements of I.C. 29-1-7.5-3.2(b); or

(2) file a verified certification that an inventory conforming with the requirements of I.C. 29-1-7.5-3.2 has been prepared and is available to be furnished to distributees on request.

E. Personal Representatives shall comply with I.C. 29-1-16-2, which provides as follows: "Every Personal Representative shall close the estate as promptly as possible. Unless for good cause shown, the time for filing the final account in the estate shall not exceed one (1) year from the appointment of a Personal Representative".

F. Whenever a supervised estate cannot be closed within one (1) year, the Personal Representative shall file an intermediate account with the Court within thirty (30) days after the expiration of one (1) year and each succeeding year thereafter. The accounting:

(1) Shall state facts showing why the estate cannot be closed and an estimated date of closing.

(2) Shall propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees and claimants.

G. In unsupervised estates a closing statement shall be filed within one (1) year after opening the estate. Whenever an unsupervised estate cannot be closed within one (1) year, the Personal Representative shall file a status report indicating why the estate cannot be closed and an estimated date of closing.

H. In estates opened for the sole purpose of prosecuting a wrongful claim

the Personal Representative shall annually file a status report as to the progress of the claim or suit.

I. Disputes regarding Personal Representative and attorney fees in estates shall be resolved utilizing the fee guidelines adopted by the Probate Committee of the Indiana Judicial Conference.

LR-27-CR00-20

RULE 20

CRIMINAL MATTERS

A. Appearances. Immediately upon being retained in a criminal matter counsel shall file a written appearance conforming with Rule Cr. 2.1 and serve a copy on the Prosecuting Attorney.

B. Bond. The following bond schedule shall apply to all criminal cases filed in the Grant Circuit and Superior Courts I & II:

MURDER	NO BOND
CLASS A FELONY	\$50,000.00
CLASS B FELONY	\$25,000.00
CLASS C FELONY	\$15,000.00
CLASS D FELONY	\$ 5,000.00
CLASS A MISDEMEANOR	\$ 2,000.00
CLASS B MISDEMEANOR	\$ 1,000.00
CLASS C MISDEMEANOR	\$ 500.00

The Court will accept a bond which conforms to the above schedule in the form of full cash deposit with the Clerk of this Court, surety, or property. The Court will not accept a ten percent (10%) cash deposit with the Clerk as bond unless approved by the Court after a hearing at which the State of Indiana is present.

LR-27-AR15-21

RULE 21

**GRANT COUNTY COURTS
LOCAL RULE GOVERNING COURT REPORTERS**

The undersigned Courts comprise all of the Courts of record of Grant County, Indiana and hereby adopt the following Local Rule by which Court Reporter services shall be governed.

Section One - Definitions. The following definitions shall apply under this Local Rule:

- (1) *A Court Reporter* is a person who is specifically designated by a Court to perform the official Court reporting services for the Court including preparing a transcript of the record.
- (2) *Equipment* means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing Court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing and transcribing electronic data.
- (3) *Work space* means that portion of the Court's facilities dedicated to each Court Reporter, including but not limited to actual space in the Courtroom and any designated office space.
- (4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) *Regular hours worked* means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the County but remain the same for each work week.

(7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

(8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.

(9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e., Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) *Court* means the particular Court for which the Court Reporter performs services. Court may also mean all of the Courts in Grant County.

(11) *County indigent transcript* means a transcript that is paid for from County funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

(12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

(13) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two: Salaries, Per Page Fees and Private Practice

1. The Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during all regular work hours, gap hours or overtime. The Judge of the supervising Court and Court Reporter(s) shall enter into a separate written agreement addressing gap hours and overtime.

2. Effective January 1, 2001, the Court Reporter shall charge as follows:

A. A per page fee of Four Dollars and Fifty Cents (\$4.50) for indigent county transcripts, state indigent transcripts and private practice transcripts,

B. a minimum fee of \$35.00 per transcript, and

C. additional labor charge for time spent binding the transcript and exhibit binders (this is to be an hourly rate based upon Court reporter's paid salary/35 hour work week)

A claim for all county indigent transcripts shall be submitted to the Grant County Auditor for payment. Depositions shall remain at Four Dollars (\$4.00) per page.

3. Pursuant to Administrative Rule 15 all Court Reporters will report, on an annual basis, to the Indiana Supreme Court Division of State Court Administration on forms prescribed by the Division.

4. If the Court Reporter elects to engage in the private practice of recording a deposition and/or preparation of a deposition and the Court Reporter desires to utilize the Court's equipment, work space and supplies, and the Court agrees to the use of Court's equipment for such purpose, the Court Reporter agrees to the following:

(a) Record and transcribe the deposition on the Court Reporter's own time and keep a record of such on employee time sheets.

(b) Reimburse the County at the rate of ten cents (\$.10) per page for use of equipment, work space and supplies.

(1) The Court Reporter shall submit a claim to the Grant County Auditor for payment of an indigent deposition, however, said claim shall include the deduction for use of equipment, work space and supplies.

(2) The Court Reporter shall remit payment to the Grant County Auditor annually, by December 15th, for use of equipment, work space and supplies in conjunction with a non-indigent deposition.

Adopted 01/09/02

LR-27-JR4-22

RULE 22

JURY RULES

- _____A. This local rule shall govern petit and grand jury assembly, selection and management in the Grant Superior and Circuit Courts of Grant, Indiana. It is the intention of these rules to implement the Indiana Jury Rules adopted by the Indiana Supreme Court, effective January 1, 2003.
- B. The Grant Circuit and Superior Courts of Grant County, Indiana, shall each have a jury administrator. The jury administrators position for each court shall be filled by that Court's bailiff. The positions of jury commissioners and the use of a jury selection box are abolished.
- _____C. The jury administrators shall meet annually in the Grant County Voter's Registration office during the last week of October to compile a jury pool for each of the courts of Grant County for the succeeding year.
- D. At the annual meeting of the jury administrators all four courts' jury administrators shall, with the aid of the Grant County Clerk's office, randomly draw one (1) pool of potential jurors equal in number to the sum of the numbers of jurors required by each of the four courts for the next year. When the prospective pool list has been created the jury administrator for Grant Circuit Court shall select first from the list the number of potential jurors required for the following year;

likewise, the jury administrators for Grant Superior Court 1, Grant Superior 2, and Grant Superior 3 shall then each, in turn, select from the remaining names the number of prospective jurors their court requires for the following year.

- E. The names for the jury pool shall be drawn by the jury administrators from the Grant County, Indiana, Voter's Registration list supplemented by the Grant County, Indiana, real estate property tax payers list. These draws shall be accomplished in such a way as to avoid, as nearly as possible, duplication of names within each Court's jury pool and between the jury pools of the various Courts of Grant County. The list generated for each Court's jury pool shall be printed in the order selected randomly by the jury administrators with the aid of the Voter's Registration computer system.
- F. The random lists of names representing the annual jury pools for each Court of Grant County shall be divided by each Court's jury administrator into jury panels according to whatever period of service is ordered by that Court.
- G. Pursuant to Rule 4 of the Indiana Jury Rules adopted by the Indiana Supreme Court the Circuit and Superior Courts of Grant County, Indiana, adopt the two-tier notice and summons as described within Indiana Jury Rule 4 effective January 1, 2003. The Courts of this County shall, from time to time, develop, and revise, forms necessary to implement the two-tiered notice system and such other forms as are necessary to implement the intent of the Indiana Jury Rules.

(Adopted October 25, 2002)

